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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/646,796

11/21/2000

Aravinda Korala,

2000-011

1579

23521 7590 04/07/2005

SALTAMAR INNOVATIONS

30 FERN LANE

SOUTH PORTLAND, ME 04106

EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/646,796	Applicant(s) KORALA, ARAVINDA	
	Examiner Lalita M Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On July 6, 2004, an Office Action was mailed to the Applicant rejecting claims 34-109. On January 13, 2005, the Applicant responded by amending claims 34, 68, and 105.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 34-44, 46-51, 54, 57-62, 64-78, 80-85, 88, 91-96, and 98-109 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaton (6,003,019), as set forth in the previous Office Action.

With regard to the amendment, Eaton discloses a middleware software layer on the computer-based transaction machine (col.1, lines 40-53; col.3, lines 37-65;

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and col.4, line 40 to col.5, line 10) and the computer-based transaction machine being operated by a first organization, wherein the software application is provided by a second organization, and wherein the software application provides a transaction type associated with the first organization (col.2, line 19 to col.3, line 45 and col.4, line 40 to col.5, line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 45, 63, 79, and 97 rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton in view of Schraeder (5,903,811), as set forth in the previous Office Action.

Claims 52-53, 55-56, 86-87, and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton in view of Wolfe (6,006,252), as set forth in the previous Office Action.

Response to Arguments

Applicant's arguments filed January 13, 2005 have been fully considered but they are not persuasive. The Applicant argues that Eaton does not disclose a middleware software layer that extends to the functionality of a computer operating system on a computer-based transaction machine. In response, Eaton discloses software, including middleware software, consisting of multiple layers to control applications machine (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10). Therefore, the Examiner is interpreting Eaton as reading onto the invention substantially as claimed.

Eaton further discloses extending the functionality of a computer operating system machine (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); transaction objects and controls in the middleware software (col.3, lines 38-65); capabilities interface can communicate capabilities of the control machine (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); asserting errors and/or transgressions by the middleware machine (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); copying to disk when transaction machine is idle (col.4, line 40 to col.5, line 10—system may be programmed to copy to disk); a web browser (col.3, lines 1-22); altering middleware and applications across the network (col.4, line 40 to col.5, line 10); transaction machine capable of communicating status machine (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); creating a separate thread for each control; generic error handlers (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); configuration data in distribution file (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); constructing user

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interface using web authoring tools (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); Microsoft Windows NT (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10--well known and practiced to utilize Windows); functional interface to particular hardware capabilities (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); an extranet (col.3, lines 1-20 and col.4, line 40 to col.5, line 10); extranet with a security mechanism (col.4, line 40 to col.5, line 10); first organization operating a transaction machine and software operated by a second organization (col.1, lines 40-53; col.3, lines 37-65; and col.4, line 40 to col.5, line 10); and ticket sales (col.3, lines 1-22).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH

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